

SENTENCING MINUTES

DATE: 1/10/18 CASE NUMBER: 3 17 cr 129
JUDGE: Lauck CT REPORTER: Diane Daffron
INTERPRETER: _____

UNITED STATES OF AMERICA Thomas Garnett, AUSA
v. COUNSEL
Ronald Tully Thomas Cullin, ESQ.

SENTENCING ON COUNT(S): 1 ☒ Criminal Information
() Indictment () Superseding Ind.

PRELIMINARY MATTERS: Dfts Motion for Variance -
GRANTED - 24 months substantial sentence
to deter future conduct

OBJECTIONS TO PSR: PSR filed as tendered 01 - 18
CH - I
GR - 27-33
Letters of Support presented to be made a part of the dfts
position memorandum as exhibit PSR
STATEMENTS MADE BY: GOV'T () DEFENSE COUNSEL ☒ DEFT ☒

ON MOTION OF GOV'T, () INDICTMENT () REMAINING CTS. DISMISSED.

DEFENDANT TO VOLUNTARILY REPORT TO DESIGNATED INSTITUTION

ON: 2/13/18 BY: 2:00 pm
(☒) IF NO DESIGNATION MADE, REPORT TO U.S. MARSHAL IN RICHMOND

DEFT ADVISED OF RIGHT OF APPEAL within 14 days of today (☒)

DEFT REMANDED TO CUSTODY ()

CASE SET: 2:00 BEGAN: 2:17 ENDED: 3:07 TIME IN COURT: .54

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SENTENCE TEXT

COUNT 1 IMPRISONMENT 24 MOS. CONCURRENT() CONSECUTIVE()

CREDIT FOR TIME SERVED ON THIS CHARGE ()

SUPERVISED RELEASE 2 YEARS

PROBATION _____ YEARS

FINE \$ _____ ☒ Fine not imposed

SPECIAL ASSESSMENT \$ 100 due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT() CONSECUTIVE()

SUPERVISED RELEASE _____ YEARS CONCURRENT()

PROBATION _____ YEARS CONCURRENT()

FINE \$ _____ () Fine not imposed

SPECIAL ASSESSMENT \$ _____ due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT() CONSECUTIVE()

SUPERVISED RELEASE _____ YEARS CONCURRENT()

PROBATION _____ YEARS CONCURRENT()

FINE \$ _____ () Fine not imposed

SPECIAL ASSESSMENT \$ _____ due immediately

CONSENT ORDER OF FORFEITURE MADE A PART OF JUDGMENT IN CASE (✓)

restitution order entered today 1/10/18
RESTITUTION ORDERED: \$ 833,599.93 *Council of Independent Tobacco Manufacturers of America ("CITMA")*

RECOMMENDATION(S) TO BOP:

- phoenix, AR*
- (✓) Designate dft. to a facility near family (✓) Designate dft. to _____ FCI
() SHOCK Incarceration Program () BRAVE Program
() Educational / Vocational training () BOP 500-hr intensive drug treatment program
() UNICOR program () with _____ portion of earnings directed to child support
() OTHER: _____

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SPECIAL CONDITIONS of Probation / Supervised Release:

- ☒ (1) Incur no new credit without approval of probation officer
- ☒ (2) Provide probation officer with access to financial information
- _____ (3) Perform community service _____ HOURS during period of supervision
- _____ (4) Participate in drug/alcohol treatment; _____ Pay cost of treatment
- _____ (5) Participate in mental health treatment; _____ Pay cost of treatment
- _____ Participate in anger management
- _____ (6) Participate in home confinement program for _____ with monitoring
 - _____ Permitted to work, attend church, or other approved activities
 - _____ Maintain telephone without special features; no cordless phone
 - _____ Pay costs of electronic monitoring
- _____ (7) Placement in a Community Confinement Center for _____ (term)
- _____ (8) Defendant to be surrendered to BICE for deportation proceedings
 - _____ If deported, defendant to remain outside the United States
- _____ (10) Mandatory drug testing waived
 - _____ Probation officer may still administer drug test if deemed appropriate
- _____ (11) Pay child support in amount ordered by social services or Court
- _____ (13) Serve intermittent confinement on weekends for a period of _____ DAYS
- _____ (14) No possession of pager, cellular telephone, or other handheld communication device
- ☒ (15) Defendant shall pay any balance owed on the S/A imposed by the Court ^{restitution} *or 25% of net monthly income*
 - ☒ Pay in installments of not less than \$ 200 per month, to begin 30 ~~60~~ days after start of supervision until paid in full
- _____ (16) Waive all rights of confidentiality regarding mental health treatment (or other treatment) to allow release of information to Probation, etc.
- _____ (17) Commencing _____, and continuing for _____, defendant may operate a motor vehicle only for purposes of work and court, including travel to the Probation Office and alcohol treatment program
- ☒ (18) Defendant to apply monies received from tax refunds, lottery winnings, and any anticipated or unexpected financial gains to the Court-ordered financial obligation

_____ (---) **Other special conditions:**
